

## ZONING CHANGE REVIEW SHEET

**CASE:** C14-2016-0116 – 1616 E. Oltorf**P.C. DATE:**

January 10, 2017

January 24, 2017

**ADDRESS:** 1616 E. Oltorf Street**DISTRICT AREA:** 9**OWNER/APPLICANT:** 1616 E. Oltorf Investors, Ltd. (Will Marsh)**AGENT:** Armbrust & Brown PLLC (Richard Suttle)**ZONING FROM:** Community commercial – conditional overlay (GR-CO)**TO:** General commercial services (CS)**AREA:** 2.19 acres (95,396 sq ft)**STAFF RECOMMENDATION:**

Recommend General commercial services – conditional overlay (CS-CO).

The Conditional Overlay will prohibit the following uses:

Adult-Oriented Business	Exterminating Services
Alternative Financial Services	Equipment Repair Services
Automotive Repair Services	Exterminating Services
Bail Bonds	Funeral Services
Campground	Kennels
Commercial Off-Street Parking	Off-Site Accessory Parking
Construction Sales/Services	Pet Services
Drop-off Recycling Collection Facility	Service Station
	Vehicle Storage

**DEPARTMENT COMMENTS:**

This case is located within the East Riverside/Oltorf Combined Neighborhood – Riverside Planning Area. This tract was not included in the Future Land Use map and as such does not require a plan amendment. It is located just east of the intersection of E. Oltorf Street and S. I-35 on the north side of E. Oltorf. It is currently vacant and was formerly the location of a Luby's Cafeteria. It contains nearly 100 % impervious cover without water quality or detention controls. Vehicle access to the property is taken from E. Oltorf Street and the I-35 Access road.

The adjacent uses are commercial to the west, multifamily and office to the north, multifamily to the east, commercial and a church to the south. There is a westbound Capital Metro bus stop on E. Oltorf Street in front of this property.

The existing zoning conditions (from zoning case C14-99-0028) limit the number of vehicle trips to 2000/day as well as prohibited uses. The applicant would like to remove the vehicle trip limitation as well as some prohibited uses and has submitted a Transportation Impact Analysis (TIA). The proposed uses as described in the application and used for the TIA are Specialty Retail and Fast Food restaurants with and without a drive thru window. Restaurant is currently a prohibited use.

Zoning staff supports the request with some changes to the existing prohibited uses. The following have been removed from the 1999 ordinance (990722-43):

- Business support services
- Business or Trade School
- Hotel-Motel
- Indoor Entertainment
- Indoor Sports and Recreation
- Outdoor Entertainment
- Outdoor Sports and Recreation
- Personal Improvement Services
- Pet Services
- Research Services
- Restaurant (Drive-In, Fast Food)
- Theater

A Transportation Impact Analysis (TIA) was completed for this case. The TIA memo is attached. The mitigation required will be a pro-rata fiscal contribution for a traffic signal at Burton and E. Oltorf Street.

**ISSUES:** The East Riverside/Oltorf Combined Contact Team requests that drive through services be prohibited similar to the East Riverside Corridor Plan (see attached email). Zoning staff has concerns regarding drive-in/thru restaurant however this site has vehicle access to E. Oltorf Street and the I-35 Access road. With the additional access point, Zoning staff felt a drive thru restaurant use was acceptable.

**EXISTING ZONING AND LAND USES:**

	ZONING	LAND USES
Site	GR-CO	Vacant

North	LR, LR-NP	Multifamily and office
East	LR	Multifamily
South	GR	Hotel/Motel and Church
West	LR	Gas Station

**NEIGHBORHOOD PLANNING AREA:** East Riverside/Oltorf Combined - Parker NPA **TIA or NTA:** TIA

**WATERSHED:** Harper’s Branch Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**HILL COUNTRY ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

Austin Heritage Tree Foundation  
 Austin Neighborhoods Council  
 Bike Austin  
 Burleson Heights Neighborhood Association  
 Crossing Garden HOA  
 Del Valle Community Coalition  
 East Riverside/Oltorf Neighborhood Plan Contact Team  
 East Riverside/Oltorf Neighborhood Association  
 Friends of Austin Neighborhoods  
 Friends of Riverside  
 Greater SRCC Neighborhood Planning Team

Greenbriar Neighborhood Assn  
 Homeless Neighborhood Assn  
 Pleasant Valley  
 Preservation Austin  
 Real Estate Council of Austin  
 Save our Springs Alliance  
 Sierra Club Austin Regional Group  
 South Central Coalitions  
 Southeast Austin Neighborhood Alliance  
 South River City Citizens Association  
 South River City Citizens Zoning Committee

**SCHOOLS:** Travis HS, Fulmore MS, Linder Elementary

**CASE HISTORIES FOR THIS PROPERTY**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
C14-99-0028	LR to GR-CO	Recommend GR-CO (CO – 2000 trips, restricted uses)	Approved GR-CO (7/22/99)

**CASE HISTORIES FOR SURROUNDING PROPERTIES**

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL

C14-05-0111 2211 S. I-35	LR to LR-NP	LR-NP	Approved LR-NP (11/16/2006)
C14-72-124 1706 E. Oltorf St.	O (office) to LR	LR	Approved LR (10/12/72)
C14-90-0034 1711 E. Oltorf St.	SF-3 to GR	GR	Approved GR 9/6/90

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. Oltorf Street	87'	62'	Major Arterial Undivided/Divided 4 Lanes	Yes	Yes	Yes, 331

**CITY COUNCIL DATE:** Scheduled for January 26, 2016

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Andrew Moore

**PHONE:** 512-974-7604

**EMAIL:** [andrew.moore@austintexas.gov](mailto:andrew.moore@austintexas.gov)

**NPZ Comprehensive Planning Review - Kathleen Fox 512-974-7877**

This zoning case is located on the north side of E. Oltorf Street., on a 2.19 acre lot, which contains a former Luby’s restaurant. The property is also located within the boundaries of the East Riverside Oltorf Combined Neighborhood Planning Area. Surrounding land uses includes apartments and a multi-story office building to the north; a small apartment building to the south; an apartment complex to the east; and a gas station to the west. The proposed use is a commercial mixed use project (see below)

TRACT ACRES	BLDG SQ.FT.	ZONING	LAND USE
2.161	4000	GR	Specialty Retail
	6000	GR	Fast Food w/o Drive – thru window
	5000	GR	Fast Food w/ Drive – thru window

**Connectivity**

Public sidewalks are located on both sides of the street and a Cap Metro transit stop is located directly in front of this property. The Walkscore for this site is 59/100, meaning the area is somewhat walkable and some errands may be accomplished on foot.

**East Riverside Oltorf Combined Neighborhood Planning Area**

The EROCNP Future Land Use Map (FLUM) has assigned a number of parcels along East Oltorf Road, which have large number of multi-family apartment complexes and some commercial uses as ‘Withdrawn from Future Consideration,” and have not assigned these properties a FLUM classification, including this property. The following text, goals, and design guidelines are applicable to this case:

**Planning Principles Develop by the Advisory Committee (p 26)**

The Advisory Committee has prepared a set of planning principles and guidelines to be used by the Committee when evaluating development proposals. During their decision - making process, these principles and guidelines will be considered first, followed by the other recommendations listed in the plan. Note: It is the goal of the Advisory Committee that the Neighborhood Planning Contact Team adopt these principles and guidelines once the plan has been adopted. In this planning area: (p 26 – 27)

Because of these facts, the Advisory Committee believes that the following planning principles and guidelines be applied to all proposed

development and redevelopment within the East Riverside/Oltorf Combined Neighborhood Planning Area.

- “First, do no harm”, i.e. no rezoning for rezoning’s sake. A zoning change affects the property owner, adjacent properties and property owners, and the City. Any change in zoning should be able to demonstrate the benefits of the change to the community
- Preserve single - family homes and the character and assets of our traditional neighborhoods. Protect them from further encroachment from non- compatible and/or higher intensity uses by always providing a buffer equal to or greater than the existing buffer.
- Address the problems of current density before creating opportunities for additional growth and increased density.

**Goal 2:** Improve the appearance, vitality and safety of existing commercial corridors and community amenities and encourage quality urban design and form that ensure adequate transition between commercial properties and adjacent residential neighborhoods. (p 31)

#### **Mixed Use (pgs 70 to 71)**

The application of mixed use reflects the desire to see certain parts of the area develop or redevelop with projects that are pedestrian friendly, offer convenient neighborhood services, promote human - scale activity on the street, provide community open space and improve the appearance of particular retail corridors.

It is very important to note two major concerns regarding mixed use that have been voiced continually throughout the planning process:

1. Because of the overwhelming proportion of multifamily in this NPA, uses such as office and retail and condominiums and townhouses are all preferred to any multifamily uses; and,
2. Mixed use is supported only when it is a true mix of uses.

While the developer stated in their application that this is a ‘mixed use’ project, the proposed zoning designation and land uses only shows commercial uses. The Plan appears to support neighborhood serving uses that promotes human scale activity and high quality design along commercial corridors, which includes E. Oltorf Road. Based on those recommendations, this project is supported if these characteristics are implemented into this commercial project.

#### **Imagine Austin**

The Imagine Austin Growth Concept Map identifies the subject property as being outside the boundaries of an Activity Center or Corridor. Based on the comparative scale of this site relative to other commercial uses located along this heavily travelled commercial corridor, this case falls below the scope of Imagine Austin, which is broad in scope, and consequently the plan is neutral on this proposed rezoning.

**NPZ Environmental Review - Mike McDougal 512-974-6380**

- 1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Harper’s Branch Watershed and the Country Club West Watershed of the Colorado River Basin, which are classified as an Urban Watershed and a Suburban Watershed, respectively, by Chapter 25-8 of the City’s Land Development Code. It is in the Desired Development Zone.
- 2. Zoning district impervious cover limits apply in the Urban Watershed classification. Under current watershed regulations, development or redevelopment in the Suburban Watershed portion of this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Gross Site Area</i>	<i>% of Gross Site Area with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

- 3. According to floodplain maps there is no floodplain within or adjacent to the project location.
- 4. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
- 5. Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development’s requirements to

meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

- 6. The Urban Watershed portion of this site is required to provide on-site water quality controls (or payment in lieu of) for all development and/or redevelopment when 8,000 s.f. cumulative is exceeded, and on site control for the two-year storm. Under current watershed regulations, development or redevelopment within the Suburban Watershed portion of this site requires water quality control with increased capture volume and control of the 2 year storm on site
- 7. At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

**DSD Transportation Review – Danielle Morin – 512-974-1605**

- TR1. Additional right-of-way maybe required at the time of subdivision and/or site plan.
- TR2. A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments will be provided in a separate memo.
- TR3. This project is adjacent to a street where the curb is proposed to be moved to achieve superior bicycle facilities (see GIS file). Chad Crager, Urban Trails, Public Works Department and Nathan Wilkes, Bicycle Program, Austin Transportation Department may provide additional comments regarding bicycle and pedestrian connectivity per the Council Resolution No. 20130620-056.
- TR4. If the requested zoning is granted, it is recommended, as a condition of zoning, that gates be prohibited on all driveways to this site in order to allow for connectivity between the proposed property and the existing neighborhood.
- TR5. If the requested zoning is granted, it is recommended as a condition of zoning, that curb cuts be limited to one access driveway on E. Oltorf

Street per TCM Major Arterial driveway spacing guidelines (TCM Table 5-2).

- TR6. If the requested zoning is granted, it is recommended, as a condition of zoning, to provide sidewalks along both sides of the private drives, streets, and internal circulation routes connecting to the public right-of-way to improve walkability and connectivity. The sidewalk dimensions shall comply with the Transportation Criteria Manual and shall be constructed in accordance with the latest ADA standards.
- TR7. If the requested zoning is recommended for this site, it is recommended, as a condition of zoning, to stub out internal drives to the *north and east* for future connectivity.
- TR8. Existing Street Characteristics:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro (within ¼ mile)
E. Oltorf Street	90' - 65'	54'	MAU/MAD4	Yes	Yes	Yes, Bus #331

**NPZ Austin Water Utility Review – Neil Kepple – 512-972-0077**

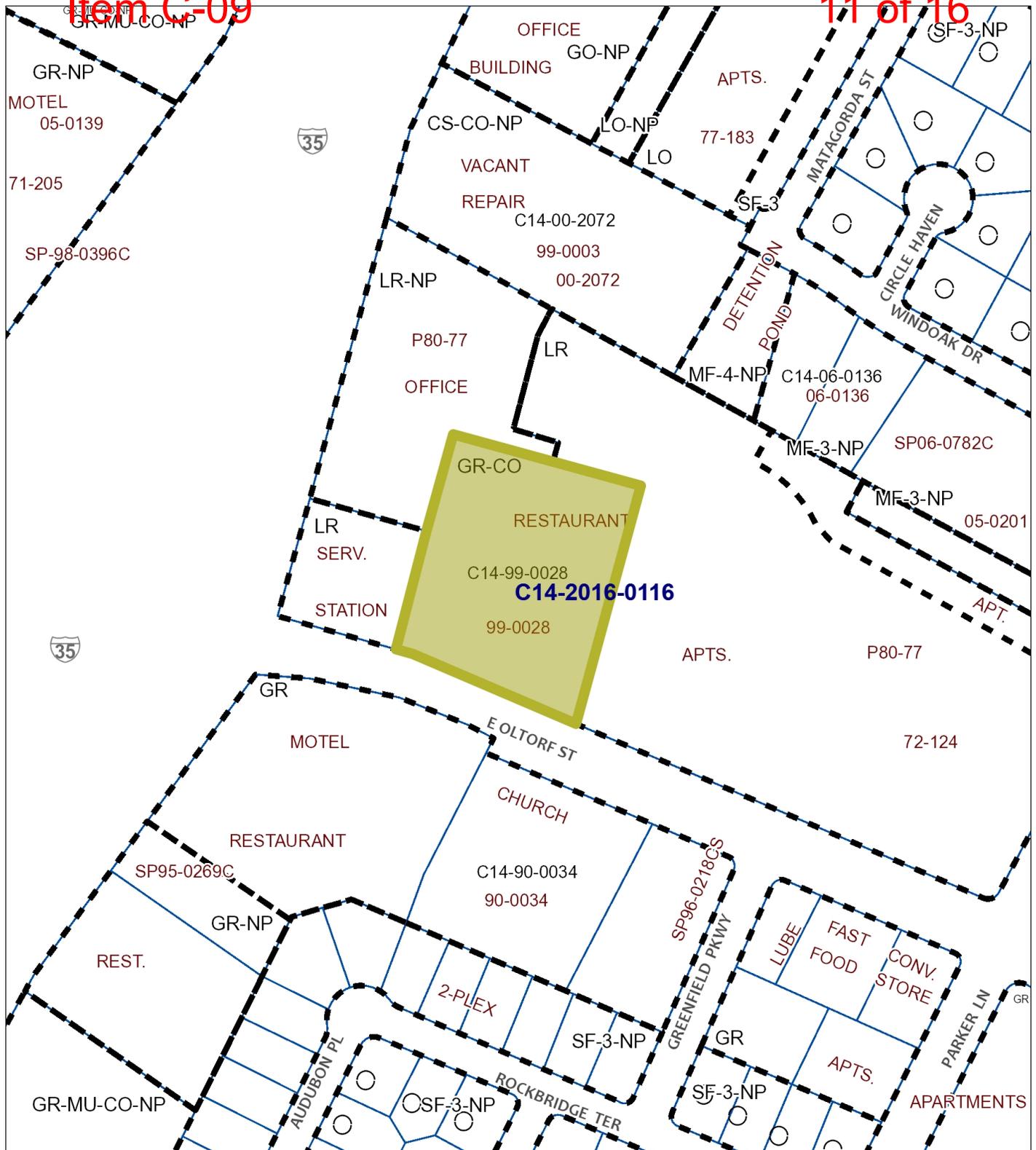
FYI: The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, water or wastewater easements, utility relocations and or abandonments required by the proposed land use. Depending on the development plans submitted, water and or wastewater service extension requests may be required. Water and wastewater utility plans must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fees once the landowner makes an application for Austin Water utility tap permits.

**Storm Water Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Storm water Management Program if available.

**NPZ Site Plan Review – Katie Wettick 512-974-3529**

- SP1. Site plans will be required for any new development other than single-family or duplex residential.
  
- SP2. Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. (COA LDC 25-2-1062).
  
- SP3. Any new development is subject to Subchapter E. Design Standards and Mixed Use. Additional comments will be made when the site plan is submitted.



-  Subject Tract
-  Pending Case
-  Zoning Boundary
-  Railroads

**ZONING**  
**ZONING CASE#: C14-2016-0116**



1" = 200'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Created 10/26/16



**ZONING**

ZONING CASE#: C14-2016-0116  
 LOCATION: 1616 E. Oltorf Street  
 SUBJECT AREA: 2.19 ACRES  
 GRID: J19  
 MANAGER: ANDREW MOORE

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SUBJECT TRACT



ZONING BOUNDARY

1" = 400'



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**PUBLIC HEARING INFORMATION**

**16** This zoning/rezoning request will be reviewed and acted upon  
**13** **of 16** two public hearings: before the Land Use Commission and  
the City Council. Although applicants and/or their agent(s) are  
expected to attend a public hearing, you are not required to  
attend. However, if you do attend, you have the opportunity to  
speak FOR or AGAINST the proposed development or change.  
You may also contact a neighborhood or environmental  
organization that has expressed an interest in an application  
affecting your neighborhood.

During its public hearing, the board or commission may  
postpone or continue an application's hearing to a later date, or  
may evaluate the City staff's recommendation and public input  
forwarding its own recommendation to the City Council. If the  
board or commission announces a specific date and time for a  
postponement or continuation that is not later than 60 days  
from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a  
zoning request, or rezone the land to a less intensive zoning  
than requested but in no case will it grant a more intensive  
zoning.

However, in order to allow for mixed use development, the  
Council may add the MIXED USE (MU) COMBINING  
DISTRICT to certain commercial districts. The MU  
Combining District simply allows residential uses in addition  
to those uses already allowed in the seven commercial zoning  
districts. As a result, the MU Combining District allows the  
combination of office, retail, commercial, and residential uses  
within a single development.

For additional information on the City of Austin's land  
development process, visit our website:  
[www.austintexas.gov/planning](http://www.austintexas.gov/planning)

Written comments must be submitted to the board or commission (or the  
contact person listed on the notice) before or at a public hearing. Your  
comments should include the board or commission's name, the scheduled  
date of the public hearing, and the Case Number and the contact person  
listed on the notice.

Case Number: C14-2016-0116  
Contact: Andrew Moore, 512-974-7604  
Public Hearing: December 13, 2016, Planning Commission  
January 26, 2017, City Council

STUART FELD  
Your Name (please print)

2314 PARKER LN  
Your address(es) affected by this application

Stuart Felder  
Signature

12/5/16  
Date

Daytime Telephone: 501-951-4924

Comments: EVER SINCE LUBY'S CAFETERIA  
CEASED OPERATIONS, THIS SITE HAS  
BEEN AN EYE SORE, A DUMPING GROUND  
FOR REFUSE, AND A WAY STATION FOR  
TRANSIENT HOMELESS. I FULLY SUPPORT  
THE DEVELOPMENT OF THIS LOT FOR A USEFUL  
PUBLIC PURPOSE AND THE REVITALIZATION  
OF OUR NEIGHBORHOOD.

I am in favor  
 I object

If you use this form to comment, it may be returned to:

City of Austin  
Planning & Zoning Department  
Andrew Moore  
P. O. Box 1088  
Austin, TX 78767-8810

**From:** [Malcolm Yeatts](#)  
**To:** "Will Marsh"; "Sounthaly Outhavong"  
**Cc:** [Moore, Andrew](#); "SRCC President"  
**Subject:** RE: C14-2016-0116  
**Date:** Monday, January 09, 2017 8:50:12 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

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The EROC Contact Team agrees with the list of prohibited uses. However, the most frequent response was that drive-through services should be added to the list of prohibited uses. Drive-through services were prohibited in the ERC Plan in order to make the corridor more pedestrian friendly, and this concept should apply to the future Oltorf corridor also.

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**From:** Will Marsh [mailto:WMarsh@ENDEAVOR-RE.com]  
**Sent:** Monday, January 9, 2017 2:21 PM  
**To:** Malcolm Yeatts <[REDACTED]>; 'Sounthaly Outhavong' <[REDACTED]>  
**Cc:** 'Moore, Andrew' <Andrew.Moore@austintexas.gov>; 'SRCC President' <[REDACTED]>  
**Subject:** RE: C14-2016-0116

Malcom,

I wanted to follow up with you on my email below.

Per city staff's request (Andy Moore, copied here), we have added "Equipment Repair Services" to the list of prohibited uses. A definition of this use is included here for your reference. An updated list reflecting this addition is attached to this email.

- EQUIPMENT REPAIR SERVICES use is the use of a site for the repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar heavy equipment. This use includes truck repair garages, tractor and farm implement repair services, and machine shops, but excludes dismantling and salvage activity.

Have you had the chance to review the list I sent last Wednesday with your group? If you are amenable, can you please reply to this email and let Andy Moore and myself know if you are in agreement with this list of prohibited uses?

Thank you,  
Will



**Will Marsh**, *Principal*  
[wmarsh@endeavor-re.com](mailto:wmarsh@endeavor-re.com)

Endeavor Real Estate Group  
500 West 5th Street, Suite 700 | Austin, TX 78701

D 512-682-5550  
[endeavor-re.com](http://endeavor-re.com)



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**From:** Will Marsh  
**Sent:** Wednesday, January 04, 2017 10:19 AM  
**To:** Malcolm Yeatts <[REDACTED]>; 'Sounthaly Outhavong' <[REDACTED]>  
**Cc:** 'Moore, Andrew' <[Andrew.Moore@austintexas.gov](mailto:Andrew.Moore@austintexas.gov)>; 'SRCC President' <[REDACTED]>  
**Subject:** RE: C14-2016-0116

Malcolm,

Thanks again for giving me and Buck the opportunity to come speak with you guys a second time last night at the Ruiz Library.

Per our discussions last night, attached please find a list of prohibited uses that we are willing to include in this zoning case as a conditional overlay. The attached list differs from the one we left with you last in night in that I have added three additional prohibited uses we are able to include in response to concerns raised at the meeting: Funeral Services, Kennels and Pet Services.

Please review with your team at your earliest convenience and let me know if you have any comments.

Best,  
Will



**Will Marsh, Principal**  
[wmarsh@endeavor-re.com](mailto:wmarsh@endeavor-re.com)

Endeavor Real Estate Group  
500 West 5th Street, Suite 700 | Austin, TX 78701  
D 512-682-5550  
[endeavor-re.com](http://endeavor-re.com)



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**From:** Malcolm Yeatts [REDACTED]

**From:** [Toni](#)  
**To:** [Zaragoza, Nuria - BC](#); [White, Trinity - BC](#); [Wilson, Michael - BC](#); [Shieh, James - BC](#); [Kazi, Fayez - BC](#); [Thompson, Jeffrey - BC](#); [Mathias, Jayme - BC](#); [McGraw, Karen - BC](#); [Nuckols, Tom - BC](#); [PineyroDeHoyos, Angela - BC](#); [Seeger, Patricia - BC](#); [Vela, Jose - BC](#)  
**Cc:** [Moore, Andrew](#)  
**Subject:** Case No. C14-2016-0116 - 1616 E. Oltorf; Jan. 10, 2016 PC Agenda  
**Date:** Monday, January 09, 2017 10:57:42 PM

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Dear Chairman Oliver and Commissioners:

I appreciate Mr. Marsh and Mr. Cody adding several of the prohibited uses suggested by the EROC Contact Team to Endeavor's proposed conditional overlay. However, I would prefer to have a project to support, but since there is no project, these are my concerns regarding the up-zoning request:

This property was removed from our neighborhood plan FLUM so that the area—City-designated as a future core transit corridor--*would be redeveloped as a whole*, not piecemeal in fits and starts, and the projects were expected to be mixed use.

Any zoning changes on this property should be for mixed-use and should not include uses or design features that are not appropriate for CTCs.

The existing CO prohibiting drive-thru fast food restaurants should be retained.

One concern is the potential loss of community benefits due to premature up-zoning.

Placeholder or land-banked properties often do more harm than good. What may be good for the property owner could slow down the redevelopment the neighborhood desires.

I am much more inclined to support a project that is specified as mixed-use, includes an affordable housing component, and more closely fits the design criteria of a CTC project.  
Thank you for your consideration.

Sincerely,  
/s/ Toni House, EROC resident  
Austin, TX 78741  
Office: 512.615.1219

cc: Andrew Moore (Please add this email to the case file. Thank you.)